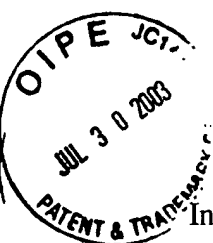


#18



PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Attorney Docket No: Q61663

Georg SIEGL

Appln. No.: 09/700,258

Group Art Unit: 3632

Confirmation No.: 3625

Examiner: D Brann

Filed: November 13, 2000

For: PRESENTATION DEVICE

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. § 1.192

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Sir:

In accordance with the provisions of 37 C.F.R. § 1.192, Appellant submits the following:

I. REAL PARTY IN INTEREST

The real party and interest is BS-AUSSTELLUNGSTECHNIK GMBH of Rudolf-Waisenhorn-Gasse 13, A-1235, Vienna, Austria in accordance with the Assignment by the inventor recorded in the U.S. Patent and Trademark Office on May 9, 2002.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

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III. STATUS OF CLAIMS

Claims 18-35 inclusive are presently pending in the present application. Claims 18, 19, 21 and 22 stand rejected and are the subject of the present Appeal. Claims 20 and 23-35 inclusive have been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form.

IV. STATUS OF AMENDMENTS

The Amendment after Final Rejection Under 37 C.F.R. § 1.116 filed September 30, 2002 was not entered. However, in the Advisory Action it was stated that for purposes of Appeal the proposed Amendment would be entered. Therefore the Amendment after Final Rejection is now entered.

V. SUMMARY OF THE INVENTION

The present invention is directed to a presentation device having a base assembly 5 and a flexible stand 2 plugged into the base as shown in figures 1 and 2. The stand 2 is comprised of individual flexible bars 3 which are plugged together to form two uprights and at least two transverse struts 4 plugged to the flexible bars of the uprights and connecting the uprights together to form a double-H shape. A flexible element 6 is provided as a presentation carrier which is connected to the base 5 and the upper end of the stand 2. When the presentation carrier 6 is fixed in this manner the stand 2 is bent outwardly elastically as shown in figures 1 and 2 whereby the presentation carrier is held in a tensioned operating position. The foregoing description is found on pages 11 and 12 of the specification.

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The flexible bars of the two uprights and the transverse struts are plugged together as best seen in figures 12-15. The T-shaped plugs 36 are provided with aligned blind bores for reception of the bars 3 and a perpendicular blind bore 37 for reception of one end of the a transverse strut 4. The lowermost bars 3 of each upright are plugged into oblique bores 33 in the end parts 12 and 13 of the stand 5 as best seen in figures 6 and 7.

The upper and lower edges of the presentation carrier 6 are folded at 7 and 8 to form a passage for transverse bars 9 and 10 respectively. The bars 9 and 10 are held in the folded over portions and T-shaped connectors 40 are provided with a transverse passage 41 for reception of the bars 9 and 10 and a perpendicular blind bore 37 for engagement with the ends of the upright bars 3. When the presentation carrier 6 is secured in this manner the stand 2 is bent elastically as evident from figures 1 and 2. (see page 12, first full paragraph and figures 1, 2, 11, 14 and 15)

The foregoing summary of the invention covers the limitations of claims 18, 19, 21 and 22 which are presently on Appeal.

VI. ISSUES

The sole issue is whether or not claims 158, 19, 21 and 22 would be unpatentable under 37 C.F.R. § 103(a) as being unpatentable over German Patent No. 93 01 769 to Kunstler in view of French Patent No. 27 54 929 to Chanteur.

VII. GROUPING OF CLAIMS

The claims on Appeal, namely claims 18, 19, 21 and 22 do not stand or fall together.

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VIII. ARGUMENTS

In the Final Rejection claims 18, 19, 21 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over German patent no. 93 01 769 to Kunstler in view of French patent no. 27 54 929 to Chanteur. It is submitted that the subject matter of claim 18 is not the least bit obvious in view of the teachings of the references as combined in the last Office Action. These two references are directed to two completely different types of devices.

The German utility model '769 only discloses a presentation device having two elongated flexible uprights (1) which are connected by a crossbar (3) which is provided with two curved milled recesses (23) and holes (24) and is fastened by means of capnuts (21) and threaded pins (20) to adjustment rings (18). Contrary to this the French reference '929 discloses a presentation device where only a single essentially upright flexible stem (22) is provided consisting of tubes (23, 24, 25) which are plugged together by means of sleeves (26, 27). Since only a single essentially upright stem (22) is provided the presentation device is highly susceptible to distortion due to its one dimensional structure.

As the Examiner stated in the Final Rejection there are two main differences between the presentation device according to the present invention and the presentation device taught by Kunstler. Kunstler does not teach two or more transverse struts and does not teach that the uprights composed of several flexible bars are plugged together. A further important difference is that Kunstler does not teach a plug connection between the crossbar (3) and the uprights (1).

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The use of two or more transverse struts as specifically called for in the claims of the present application results in high stability for the stand even when the double-H stand is assembled from relatively short individual bars via multiple plug connections. Therefore a person skilled in the art aiming to reinforce the stability of the H-shaped presentation device according to Kunstler would never use the teachings of Chanteur since no adequate solution is disclosed therein due to the one dimensional stem structure according to the French patent which results in a highly unstable structure. Thus Chanteur even leads away from the present invention especially in view of the fact that Chanteur teaches the use of a cord (30) to enhance the connection of tubes (23, 24, 25) to each other and to the strut (29).

In the last Office Action it was alleged that it would obvious to one skilled in the art to modify Kunstler by making the uprights out of several flexible bars as taught by Chanteur. However such a presentation device would still provide the essential difference as pointed out above since there is absolutely no teaching in either of the references which would have rendered the formation of a double-H shape by use of at least two transverse struts plugged to the flexible bars of the upright.

Claim 19 which is dependent from claim 18 specifically calls for T-shaped plug connectors each for connecting an end portion of one of the transverse struts to respective end portions of two of the flexible bars.

The only reference showing the use of anything resembling a T-shaped plug is the patent to Chanteur, this patent does not have any transverse bars whatsoever connecting two uprights.

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While the German patent discloses a transverse bar there is no plug connection between the transverse bars and the uprights much less a T-shaped plug connection.

Claim 21 which is also dependent from claim 18 specifically defines the base as comprising an elongate cross member which has two receptacles into each of which is plugged a lower end portion of the lowermost flexible bar of each of the uprights.

Neither one of the references discloses an elongate cross member having two receptacles into each of which is plugged the lower end of the lowermost flexible bar of each of the uprights.

Claim 22 is dependent from claim 21 and further specifies that each receptacle is formed by a bore which extends obliquely to a vertical position and parallel to a plane perpendicular to the longitudinal axis of the cross member. Since neither of the references disclose a transverse member with two receptacles as pointed out above with respect to claim 21 it is clear that neither of the references disclose the use of each receptacle being a bore extending obliquely to a vertical direction and parallel to a plane perpendicular to a longitudinal axis of the cross member.

The present Brief on Appeal is being filed in triplicate. Unless a check is submitted herewith for the fee required under 37 C.F.R. §1.192(a) and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 30, 2003

APPENDIX

CLAIMS 18, 19, 21 and 22 ON APPEAL:

18. A presentation device comprising: a base, a flexible stand plugged into the base; and holding means for holding a presentation carrier between the stand and the base; the flexible stand comprising: two uprights each formed of flexible bars plugged together; and at least two transverse struts plugged to the flexible bars of the uprights and connecting the uprights together to form a double-H shape.

19. A presentation device as claimed in claim 18, further comprising T-shaped plug connectors each for connecting an end portion of one of the transverse struts to respective end portions of two of the flexible bars.

21. A presentation device as claimed in claim 18, wherein the base comprises an elongate crossmember which has two receptacles into each is plugged a lower end portion of a lowermost flexible bar of each of the uprights.

22. A presentation device as claimed in claim 21 wherein each receptacle is formed by a bore which in use extends obliquely to a vertical direction and parallel to a plane perpendicular to the longitudinal axis of the crossmember.